

ORDINANCE NO. 05- 286

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS ESTABLISHING A TRAFFIC IMPACT FEE

The City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. ADOPTION OF A TRAFFIC IMPACT FEE: The following ordinance establishing a Traffic Impact Fee is hereby added as Chapter 3.48 to Title 3, Revenue and Finance, of the Municipal Code.

3.48.010. Authority.

This chapter is enacted pursuant to sections 66000 - 66008 of the California Government Code. The fees established are based on an analysis of potential future growth and its impact on the City's transportation system as identified in the 2005 City of Los Altos Traffic Impact Fee Program report, herein referred to as the Traffic Impact Fee report.

3.48.020. Application.

This chapter applies to fees charged as a condition of development approval to defray the cost of certain transportation improvements required to serve new development within the city. This chapter does not replace other subdivision map exactions or other measures required to mitigate site specific impacts of a development project including, but not limited to, mitigations pursuant to the California Environmental Quality Act; regulatory and processing fees; fees required pursuant to a development agreement; or assessment district proceedings, benefit assessments, or taxes.

3.48.030. Intent and purpose.

A. Adequate transportation improvements are needed to protect the health, safety, and general welfare of the citizens to facilitate transportation, and to promote economic well-being within the city. Transportation improvements are provided for residents, businesses, and employees within the city. Individual traffic improvements are part of an integrated transportation system serving and providing benefits to the entire city. New development within the city will create an additional burden on the existing street system. Improvements to the existing street system in the city are needed both to mitigate the cumulative impacts of new development and to accommodate future development by maintaining the appropriate level of service on streets and intersections, or providing offsetting sidewalk and bicycle improvements to meet the city's General Plan goals and policies and the County of Santa Clara congestion management program requirements.

B. All types of development require and use the street system. There are not adequate public funds available to maintain designated levels of service at all intersections in the city. In order to ensure that the appropriate level of service is maintained, and to promote the health, safety, and general welfare of the community, it is necessary that new development pay a fee representing its share of costs of the necessary improvements. The traffic impact fee is based upon the evidence that new development generates additional residents, employees, and structures, which in turn place an additional cumulative burden upon the local street system and should be expected to pay a share of the new facilities.

C. The purpose of this fee is to help provide adequate transportation-related improvements to serve cumulative development within the city. However, the fee does not replace the need for all site-specific traffic improvements that may be needed to mitigate the impact of specific projects upon the city's street system. The transportation improvements for which the fee will be used are identified in the city's Capital Improvement Program and/or in the Traffic Impact Fee report in effect at the time this chapter is enacted or as subsequently amended.

3.48.040. Fee requirement.

A. A traffic impact fee is hereby imposed on new development which generates traffic and meets the requirements of this section. The amount of the fee shall be established periodically by the city council. The fee shall be based on the percentage of the cost of the new improvements attributable to new development as determined in the Traffic Impact Fee report in effect at the time this chapter is enacted or as subsequently amended.

B. The fee shall be applicable to development projects throughout the city as follows:

1. Single family housing – \$4,764 per residential unit
2. Multiple family housing – \$2,924 per residential unit
3. Senior housing – \$1,226 per residential unit
4. Commercial – \$8,726 per 1,000 gross square feet
5. Office – \$7,028 per 1,000 gross square feet

C. Residential units and non-residential uses shall only be charged for net increases. No fee shall be charged for the remodeling, restoration or replacement of an existing residential unit or the remodeling, restoration or replacement of existing gross floor area for a non-residential use.

D. When a multiple family housing project replaces a commercial or office project the traffic impact fee shall be \$2,924 for every 1,000 square feet of net new building area.

E. When a senior housing project replaces a commercial or office project the traffic impact fee shall be \$1,226 for every 1,000 square feet of net new building area.

F. When any use replaces a different type of use, the traffic impact fee shall be the assigned fee for the new use for every 1,000 square feet of net new building area.

G. The city engineer shall determine the appropriate traffic impact fee for projects that do not fall into one of the categories defined herein based on the number of additional p.m. peak hour trips the project generates in excess of any current p.m. peak hour trips generated by current site uses, as indicated in the most current edition of the Institute of Transportation Engineers Trip Generation Manual and based on the Traffic Impact Fee report in effect at the time this chapter is enacted or as subsequently amended. Any determination made by the city engineer pursuant to this subsection may be appealed to the city council.

3.48.050. Fee adjustment.

A. The traffic impact fee shall be adjusted automatically each March 1st by the increase or decrease in the Engineering News-Record Construction Cost Index for the San Francisco Bay Area for the period ending December 31st of the preceding calendar year.

B. In addition to the automatic adjustment of subsection A of this section, the city council may periodically adjust the traffic impact fee to reflect revisions in the transportation improvement projects, increases in land values or other factors.

3.48.050. Fee payment.

The fee shall be paid in full to the city before any building permit is issued, or any final subdivision map is recorded, whichever is applicable or occurs first.

3.46.060. Authority for additional mitigation.

Fees collected pursuant to this chapter are not intended to replace or limit requirements to provide mitigation of traffic impacts not mitigated by the fee and created by a specific project, and imposed upon development projects as part of the development review process.

3.50.070. Exemptions.

Public park facilities, city buildings, and those government facilities entitled to an exemption under law are exempt from the traffic impact fee.

3.50.080. Fee credit.

The city engineer may adjust the fee imposed pursuant to this chapter in consideration for certain on-site and off-site facilities or improvements constructed or paid for by the developer. In determining an adjustment, the director shall consider a credit for the value of improvements if the improvements are identified in the city's Capital Improvement Program and/or the Traffic Impact Fee report in effect at the time this chapter is enacted or as subsequently amended. Credit shall not be given for subdivision map exactions or other measures required to mitigate site specific impacts of a development project.

3.48.090. Accumulation and use of funds.

A. The city shall deposit the fees collected under this chapter in a special fund designated solely for transportation improvements.

B. The fees and interest earned on accumulated funds shall be used only to:

1. Complete the traffic improvement projects specified in the city's Capital Improvement Program and/or the Traffic Impact Fee report in effect at the time this chapter is enacted or as subsequently amended; or
2. Pay costs required for the administration of this chapter.

3.48.100. Periodic review.

The fee authorized by this chapter, and as established by the Traffic Impact Fee report, shall be reviewed every five years in order to make findings required by the California Government Code.

SECTION 2. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 3. PUBLICATION. This ordinance shall be published as provided in section 66018 of the California Government Code.

SECTION 4. EFFECTIVE DATE. This ordinance shall be effective 61 days following its adoption as provided in section 66017 of the California Government Code.

The foregoing ordinance was duly and regularly introduced at a meeting of the City Council of the City of Los Altos on September 13, 2005 and was thereafter, at a regular meeting held on September 27, 2005 passed and adopted by the following vote:

Ayes:	COLE, MOSS, LEAR, PACKARD
Noes:	NONE
Absent:	CASAS


 David Casas, MAYOR

Attest:


 Susan Kitchens, CITY CLERK